

REMARKS

The present amendment and RCE are in response to a Final Office Action dated September 4, 2007. Claims 4-8, 10, 17, 20-25, 27-28, 30-33, and 35-38 are now present in this case. Claims 4-5, 7-8, 10, 17, 20-25, 30, 32-33 are amended. Claims 11, 14-16, and 18-19 are canceled. New claims 35-38 have been added.

Rejection of Claims 4-8 and 27-28, and 30-33 as anticipated by Peck

Claims 4-8 and 27-28, and 30-33 stand rejected under 35 U.S.C. § 102(e), as anticipated by U.S. Patent No. 6,606,491 issued to Peck. Peck discloses a validation process and an authentication process for use with a dual-mode communication system 10 made up of an AMPS network 14 and a GSM network 12. In the AMPS network 14, the validation procedure includes a registration process and an authentication process. Col. 5, lines 8-9.

"The dual-mode terminal 24 uses the terminal-based ESN and the MIN for the registration process." Col. 5, lines 24-26. In other words, none of the parameters used for the registration process are related to a SIM or more particularly to the serial number assigned, at least in part, by a manufacturer of the SIM.

For the authentication process, the dual-mode terminal 24 transmits an AUTHR (using an Authentication Word C) that was derived based on the SIM-based ESN and a hidden Shared Secret Data ("SSD"). Col. 7, lines 36-39. The SSD is derived from the A-key and the terminal-based ESN under a procedure described in EIA/TIA 553A. Col. 2, lines 17-19. Therefore, the AUTHR value is related to the terminal-based ESN (i.e., a device identifier). Further, even if the SIM-based ESN is transmitted (as recited by claim 10 of Peck and nowhere else in the reference), the SIM-based ESN is transmitted to decode the AUTHR value and not to function as a user identifier. Once decoded, the AUTHR value reveals only the terminal-based ESN because the AUTHR is merely the terminal-based ESN keyed by both the A-key and the SIM-based ESN.

The Office Action correlates the AUTHR value described at Col. 7, lines 36-45 with the user identifier recited by claim 4 of the present application. See

page 2, ¶15. Amended independent claim 4 recites the user identifier is unrelated to the device identifier. Because Peck teaches the AUTHR value used by the authentication process in the AMPS network 14 is related to the device identifier (i.e., derived therefrom), Peck fails to anticipate the invention of claim 4. Claims 5-6, 27-28, 30-33, and new claim 35 all depend from claim 4 and are allowable over Peck for at least the reasons claim 4 is allowable over Peck. Further, these dependent claims include additional recitations that further distinguish them over the Peck patent.

Claim 7 recites a cellular telephone having a processor configured to determine a user identifier unrelated to the device identifier as a function of the SIM serial number. As discussed above, Peck does not disclose a user identifier unrelated to the device identifier. Further, Peck does not disclose a processor configured to determine a user identifier unrelated to the device identifier as a function of the SIM serial number. Therefore, Peck fails to anticipate the invention of claim 7, and claims 8 and 36 that depend from claim 7.

In sum, Peck fails to teach the invention claimed by claims 4-8 and 27-28, and 30-33 and applicant respectfully requests withdrawal of the rejection of these claims. Applicant further asserts that new dependent claims 35 and 36 depending from claims 4 and 7, respectively, are allowable over Peck for reasons discussed above respect to claims 4 and 7.

Rejection of Claims 10, 11, and 14-25 as Obvious

Claims 10, 11, and 14-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,310,889 issued to Parsons et al. in view of Peck. Claims 11, 14-16, and 18-19 have been cancelled.

Each of the amended independent claims 10, 21, and 25 recites a user identifier unrelated to the device identifier and associated with the SIM serial number. Claim 10 recites a content personalization interface configured to receive the anonymous user identifier unrelated to the device identifier and associated with the SIM serial number from at least one of the mobile stations. Claim 21 recites receiving an anonymous user identifier from the wireless device over the wireless communication network, the anonymous user identifier being unrelated to the device identifier and

based, at least in part, on a serial number of the SIM. Claim 25 recites selecting an anonymous user identifier based, at least in part, on the serial number assigned, at least in part, by the SIM manufacturer.

As discussed above, Peck does not teach such a user identifier. As acknowledged in the Office Action, Parsons et al. fails to teach a user identifier based on a SIM serial number. Consequently, combining Parsons et al. and Peck fails to teach or suggest this element of independent claims 10, 21, and 25. Claims 17, 20, and new claims 37 and 36 all depend from claim 10 and are allowable over these references for at least the reasons claim 10 is allowable. Claims 22-24 all depend from claim 21 and are allowable over these references for at least the reasons claim 21 is allowable. Further, these dependent claims include additional recitations that further distinguish them over the cited references.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant has made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8021.

Respectfully submitted,
Herman Chien
Davis Wright Tremaine LLP

/Heather M. Colburn/

Heather M. Colburn
Reg. No. 50815

MJD:gatc:HMC/lkb

1201 Third Avenue
Suite 2200
Seattle, Washington 98101
Phone: (206) 757-8021
Fax: (206) 757-7021